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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/655,715	09/06/2003	Robert W. Holland	KLW 001 P2	8790

7590 04/05/2006  
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EXAMINER

POPOVICS, ROBERT J

ART UNIT PAPER NUMBER

1724

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/655,715

Applicant(s)

HOLLAND ET AL.

Examiner

Robert J. Popovics

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 1/9/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) 16-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10 and 12-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

Claims 1-2 and 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of **Morris (US 6,099,723)** and **Holland (US 5,908,558)**.

See Figure Two and column 3, line 2 of Morris.

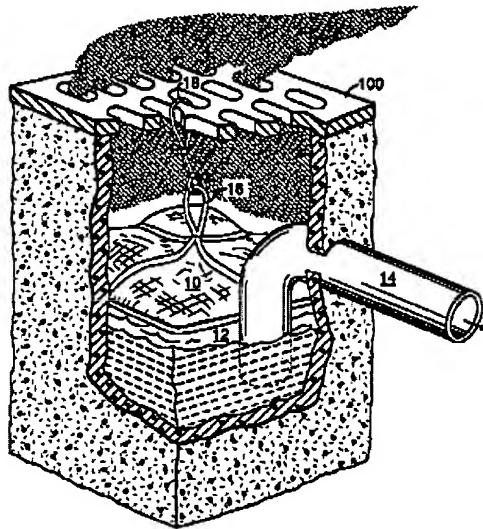


FIG. 2

**Morris**

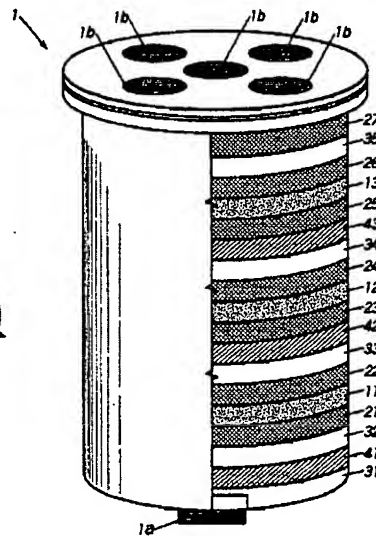


FIG. 2

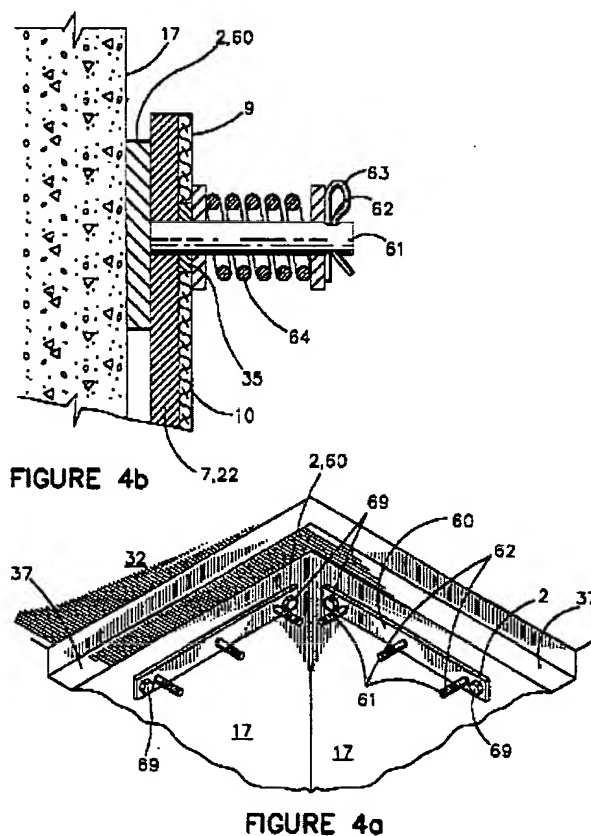
**Holland**

The claims differ from Morris by specifying the inclusion of a ***“planar sheetform member.”*** Holland discloses the use of “planar sheetform members.” It is submitted that it would have been obvious to incorporate “planar sheetform members” into the system of Morris in order to increase the structural stability and maintain the shape of the device of Morris, and additionally, to obtain the benefits that Holland discloses.

Claim 8 specifies “a pair of retrieval means.” It is submitted that use of a second handle in Morris would have been obvious.

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Claims 9-10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of **Bamer (US 5,820,762)** and **optionally, Schilling (US 6,562,233)**. Claims 9-10 essentially differ from Morris by specifying anchoring rods. The use of conventional means (i.e., rods) to secure things is well known in the art. Schilling provides an example of this, see the securing means in Figures 4a and 4b.



It is submitted that it would have been obvious to employ anchoring rods as an alternative/additional securing means, in the system of Bamer.

Claims 12,14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of **Bamer (US 5,820,762)** and **optionally, Schilling (US 6,562,233)**, as applied above, and further in view of **Holland (US 5,908,558)**.

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Claim 12 differs from the references as combine above, by specifying the inclusion of a ***“planar sheetform member.”*** Holland discloses the use of “planar sheetform members.” It is submitted that it would have been obvious to incorporate “planar sheetform members” into the system of Morris in order to increease the structural stability and shape of the device of Morris, and additionally, to obtain the benefits that Holland discloses. Moreover, Holland discloses the “pluralities” recited in claims 14 and 15. It is submitted that their incorporation would have been obvious for the reasons advance by Holland.

***Response to Arguments***

Applicant's arguments with respect to claims 1-2,4-10 and 12-15 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication should be directed to Robert J. Popovics at telephone number (571) 272-1164.

A handwritten signature in black ink, appearing to read 'R. J. Popovics', with a stylized flourish underneath.

Robert James Popovics  
Primary Examiner  
Art Unit 1724

April 3, 2006